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EXAMINER

HASTINGS, KAREN M

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

69/997026

Applicant(s)

Hajmschlager et al

Examiner

HASTINGS

Group Art Unit

1131

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/8/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-49 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-49 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Informalities: In the specification, the description of Figure 4 on page 11 and the description of Figure 9 on page 12 appear to be identical. Likewise, Figures 4 and 9 appear to be identical. It is suggested that one of these Figures be deleted along with its description. Correction/clarification is needed.

Claims 5-49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In claim 5, the function of the "at least one clamping device" should be positively set forth; that is, --to clamp said shaped part and said support piece . . .--

In each of claims 46 and 47, it is not understood what "thereof" refers to in the list. Please be more specific. Is it a composite of all the previously recited materials? Clarification is needed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit 1731

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-7, 28-34 and 42-49 are rejected under 35

U.S.C. 102(e) as anticipated by or, in the alternative, under 35
U.S.C. 103(a) as obvious over Jansson.

Jansson shows a method/apparatus that meets the claimed language when the claims are viewed in their broadest reasonable interpretation. Note Fig 3,4 of Jansson - a pneumatic clamping device 47 clamps the support piece 31 to the shaped part 23,24. Jansson also teaches that clamping these together will prevent vibrations.

Note the instant claims do not require that the clamping mechanism be located in between the shaped part and the support piece and thus the claims, when read in their broadest reasonable interpretation, read on the clamping mechanism of Jansson. In claim 5 "at least one clamping device operatively positioned relative to both" pieces reads on a clamping mechanism such as shown at 47 in Jansson since that clamping device 47 can be viewed as ~~operatively positioned~~ relative to both pieces - it is underneath both pieces. Jansson's common sealing between 31/23 can be viewed as ~~essentially preventing...water...~~ (emphasis provided) since it will prevent it at the common sealing surfaces.

All claims included herein are taught by the reference or would be immediately envisioned upon one of ordinary skill in the

Art Unit 1731

art reading the reference - any differences that may be gleaned are deemed to be prima facie obvious. Note for example column 7 lines 54-60 describes the use of an eccentric shaft (claim 28) as an alternative to an expandable clamping hose(claims 29-34).

Clearly, the clamping hose of Jansson is inherently capable of being operated at the claimed pressures.

At least claims 1-7, 9, 14, 17, 20, 21, 29-37 and 40-49 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schiel '270 or Sennett et al. or Evalahti or Reynolds et al.

Each of these references describes a clamping device positioned in between a shaped part and a support piece as claimed. Note Schiel Fig 1,3 discloses both a pneumatic tube 30 and springs 30A. Note Sennett et al. discloses an expandable hose, see Figures 1, 3 and 4. Note Evalahti especially at Figure 5 which shows an inflatable member 22 as a clamping mechanism and note Reynolds et al. which shows a clamping hose 36 operatively associated with a clamping bolt and clamp bar 26. See Figures 2 and 3. Each of these references anticipates many of these claims.

Any differences that may be gleaned in any particular dependent claim over a particular applied reference are deemed to be prima facie obvious as drawn to minor technical variations that would have been immediately envisioned, or a prima facie

Art Unit 1731

obvious design alternative choice, by one of ordinary skill in the art reviewing these references. For example, providing one pressure source, having the clamping device be of a material resistant to process water in order to maintain operative, and resistant to swelling, all would be immediately envisioned to be appropriate and necessary in order for the clamping devices to function properly in the environment in which they are placed.

Claims 1-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiel and/or Sennett et al. and/or Reynolds et al. and/or Evalahti.

These references are applied as above - as noted, many of the claims are anticipated by each of these references, but in order to be complete, these claims are alternatively rejected under 35 U.S.C. § 103 if any specific feature from one reference is needed to complement another reference.

Furthermore with respect to the various alternative embodiments of T ribs or dovetail ribs and complementary shapes in the opposite part that are set forth in the dependent claims - all four references exemplify either T shaped and/or dovetail interlocking which are very well known in the art, and thus to use such well known dovetail or T-shaped complementary surfaces would have been prima facie obvious to one of ordinary skill in the art.

Art Unit 1731

Furthermore, claims drawn to the specific minor changes in the shape such as providing a beveled side on one side or a groove etc. all are deemed to be prima facie obvious design shape alternatives absent any evidence of criticality from the specific claimed shape/ mechanical interlocking.

Thus to modify any of these references to provide the clamping device as set forth in any of these references in between in any appropriate location in any specific dovetail groove combination or a T-shaped groove combination would have been prima facie obvious to one of ordinary skill in the art.

Note these references also exemplify the well known alternative use of various materials for foil blades. Note also Figures 1 and 3 of Sennett et al. versus Figure 4 exemplify that one material may be used for the entire shaped part or several materials or pieces.

Claim 28 is also rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further in view of Jansson which teaches at column 7 line 57 that an eccentric shaft is an alternative to a pneumatic hose for clamping purposes in a foil body in a paper making machine. Thus to have used an eccentric as the clamping device for any of these references as an alternative to the pneumatic tube/hoses would have been prima facie obvious to one of ordinary skill in the art

as merely using one known alternative for another to perform the same function.

At least claims 5 and 39 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wight.

Note Wight shows various embodiments for clamping a foil blade to a support piece and in particular Figure 8 shows an embodiment wherein a "ball" 120 is used as part of the clamping mechanism. This reference could also be applied to many other claims but in order to avoid unduly multiple rejections, it is merely applied to exemplify the breadth of these claims.

Indication of allowable subject matter: If claim 38 was amended to obviate the 112 rejections and rewritten in independent form with all the limitations of the intervening claims, and *further amended* to make it clear that the clamping device is located in between the support piece and shaped part and is structured and arranged to create a common seal to prevent water from penetrating between the shaped part and the support piece, as described in the specification and shown in Fig 15, then such would be allowable.

Art Unit 1731

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

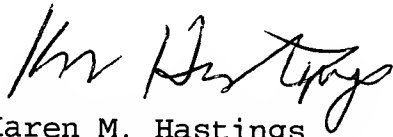

White et al. is cited as it shows in Figures 9, 10 and 11 various embodiments with springs, bolts and a groove in the T of the inside contour. Note Sennett et al. applied above also shows in each of the Figures the conventional use of a groove on the inside contour of a T groove.

Cowan is cited as it exemplifies a half dovetail connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Karen M. Hastings
Senior Primary Examiner
Art Unit 1731


KMH/cdc
September 13, 2002